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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

November 20, 2007



VIA UPS OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" Street, N.W. Room 504
Washington, DC 20423-0001

ENTERED
Office of Proceedings

NOV 21 2007

Part of
Public Record

Attention: Victoria Rutson

Re: Proposed Abandonment of the Sinton Industrial Lead from M. P. 122.82 in Sinton to M. P. 121.30 in San Patricio County, Texas; STB Docket No. AB-33 (Sub-No. 244X)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket are the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after December 11, 2007.

Enclosed are ten (10) copies of the Combined Environmental and Historic Report for the Board's further use and distribution.

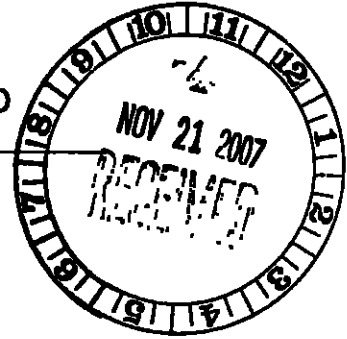
Sincerely yours,

Mack H. Shumate, Jr.

Enclosures

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BEFORE THE
SURFACE TRANSPORTATION BOARD



Docket No. AB-33 (Sub-No. 244X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SAN PATRICIO COUNTY, TEXAS
(SINTON INDUSTRIAL LEAD)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: November 20, 2007
Filed: November 21, 2007

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 244X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SAN PATRICIO COUNTY, TEXAS
(SINTON INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment and discontinuance of service over the Sinton Industrial Lead from Milepost 122.82 to Milepost 121.30 near Sinton Junction, a distance of 1.52 miles in San Patricio County, Texas (the "Line"). The Line traverses U. S. Postal Service Zip Code 78387. The UP anticipates that a Notice of Exemption to abandon the Line will be filed at the STB on or after December 11, 2007.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made a part hereof. UP's letter to federal, state and local government agencies marked **Attachment No. 2** is attached hereto and is hereby made a part hereof. Responses received thus far to UP's letter are attached hereto and sequentially referenced as attachments in the appropriate sections of this Combined Environmental and Historic Report.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the exempt abandonment and discontinuance of service over the Sinton Industrial Lead from Milepost 122.82 to Milepost 121.30 near Sinton Junction, a distance of 1.52 miles in San Patricio County, Texas.

The abandonment of the Line will have no adverse effect on shippers. No complaints regarding cessation of service have been filed or are pending at the Board and no such complaints have been decided in favor of a complainant in the past two years. There is no overhead traffic on the Line. After abandonment, the closest rail service would be available from UP and BNSF at Sinton via UP's Houston to Brownsville main line. Sinton lies at the intersection of U.S. Routes 77, a north-south route, and 181, an east-west route. Route 77 also accesses Interstate 37 approximately 16 miles south of Sinton.

The Line was constructed by the San Antonio and Aransas Pass Railway in 1890. The Line was re-laid primarily in the 1970's with continuous welded rail segments in a variety of rail weights ranging from 110- to 136-pounds per yard.

UP does not believe the property is suitable for public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines at the present time. Based on information in UP's possession, the Line does not contain federally

granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Attachment No. 1.**

(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: Because no railroad freight traffic moves over the Line and no railroad freight traffic is expected to move in the future, there should be no effect on regional or local transportation systems or patterns, and there will be no diversion to other modes or systems.

(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response:

(i) The San Patricio County Commissioners Office has been contacted. To date UP has not received a response.

(ii) The United States Natural Resources Conservation Service ("NRCS") has been contacted. The NRCS has determined the property in the proposed abandonment area was previously converted to urban uses and is exempt from the FPPA law. The NRCS response is attached as **Attachment No. 3**, and is hereby made part hereof.

(iii) Not Applicable.

(iv) The property is generally not suitable for other public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, in that the area is adequately served by existing roads and utility lines at the present time.

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources.
- (ii) Describe the effect of the proposed action on recyclable commodities.
- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.
- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:
 - (A) 1,000 rail carloads a year, or
 - (B) an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response:

- (i) There will be no effects on the transportation of energy resources.
- (ii) There are no recyclable commodities handled over the Line.
- (iii) There will be no effect on energy efficiency.
- (iv)(A)(B) There will be no rail-to-motor diversion.

(5) Air.

- (I) If the proposed action will result in either:
 - (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
 - (B) an increase in rail yard activity of at least 100% (measured by carload activity), or
 - (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

Response: There are no such effects anticipated.

(II) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic of these magnitudes as a result of the proposed action.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response:

(i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) Biological resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response:

(i) The U. S. Fish and Wildlife Service has been contacted. The Texas Parks & Wildlife ("TPWD") reviewed the proposed abandonment project and offered recommendations in the areas of Vegetation Impacts, and Migratory Bird Treaty Act. The TPWD response is attached hereto as **Attachment No. 4**, and is hereby made part hereof.

(II) The National Park Service Regional Office has been contacted. To date UP has received no response.

(9) Water.

(I) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(II) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(III) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response:

(I) The Texas Natural Resource Conservation Commission has been contacted. To date UP has received no response.

(II) The U.S. Army Corps of Engineers has been contacted and determined the proposed abandonment does not require a permit. The U. S. Army Corps of Engineers' response is attached as **Attachment No. 5**, and is hereby made part hereof.

(III) It is not anticipated there will be any requirements for Section 402 permits.

(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See Attachment No. 1.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

Response: The right-of-way proposed for abandonment is typically 100 feet in width. The right-of-way passes through the western portion of the City of Sinton, Texas and continues on through a rural area of San Patricio County, Texas along U.S. Highway 181. The topography of the adjacent land outside the city limits of the City of Sinton is typically average farmland and pasture.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

Response: The Texas Historical Commission was provided with photos and a description of each structure on the property which is 50 years old or older. A copy of the letter sent to the Texas Historical Commission with bridge photographs is attached hereto as **Attachment No. 6, and is hereby made part hereof. The Historical Commission reviewed the photos and determined the structures are not eligible for listing in the National Register of Historic Places and the Texas Historical Commission had no objections to the proposed**

abandonment. The Historical Commission's response is attached hereto as **Attachment No. 7**, and is hereby made part hereof.

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: See **Attachment No. 1** and **Attachment No. 6**.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See the preceding pages for a brief history and description of carrier operations.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: Not applicable.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been disturbed during the construction and maintenance of the Line.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

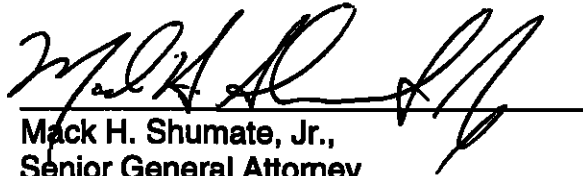
Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 20th day of November, 2007.

Respectfully submitted,
UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read 'Mack H. Shumate, Jr.', is written over a horizontal line.

Mack H. Shumate, Jr.,
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX



Mack H. Shumate, Jr.
Senior General Attorney Law Department

November 20, 2007

SEE ATTACHED SERVICE LIST

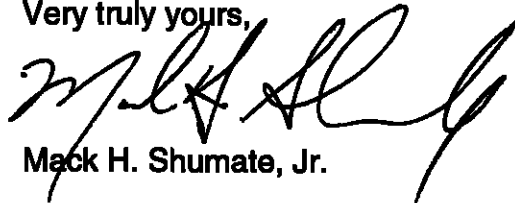
Re: Proposed Abandonment of the Sinton Industrial Lead from M. P. 122.82 to M. P. 121.30 near Sinton Junction in San Patricio County, Texas; STB Docket No. AB-33 (Sub-No. 244X)

Dear Madam or Sir:

On or after December 11, 2007, Union Pacific Railroad Company ("Union Pacific") expects to be filing with the Surface Transportation Board ("STB") an Abandonment Exemption in accordance with 48 C.F.R. § 1152.50 to abandon and discontinue service over the Sinton Industrial Lead from Milepost 122.82 to Milepost 121.30, a distance of 1.52 miles in Sinton Junction, San Patricio County, Texas. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and/or historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Room 1149, Washington, DC 20423-0001, telephone: 202/245-0305 and refer to the above *Docket No. AB-33 (Sub-No. 244X)*. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA with a copy to Union Pacific Railroad Company's representative, Mack H. Shumate, Jr., Senior General Attorney, Union Pacific Railroad Company, 101 North Wacker Drive, Room 1920, Chicago, IL 60606 would be appreciated within three (3) weeks.

Very truly yours,



Mack H. Shumate, Jr.

Enclosure

O Abandonments\33-244\EHR-Transmittal

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 244X) for the Sinton Industrial Lead in San Patricio County, Texas was served by first class mail on the 20th day of November, 2007 on the following:

State Clearinghouse (or alternate):

Tom Adams
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Texas Natural Resource Conservation
Commission
Ken Patterson, Deputy Director
P.O. Box 13087, m145
Austin, TX 78711-3087

State Coastal Zone Management Agency
(if applicable):

Not applicable.

Head of County (Planning):

San Patricio County Commissioners
P.O. Box 548
County Courthouse
Sinton, TX 78387-2733

Environmental Protection Agency
(regional office):

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Southwest Region 2
U.S. Fish & Wildlife Service
500 Gold Avenue SW - Room 4000
Albuquerque, NM 87102

U.S. Army Corps of Engineers:

U.S. Army Engineer District Galveston
P.O. Box 1229
Galveston, TX 77553-1229

National Park Service:

National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80228

U.S. Natural Resources Conservation Service:

USDA, Natural Resources Conservation Service
Soil Survey Section
W R Poage Federal Bldg.
101 South Main Street
Temple, TX 76501-7682

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

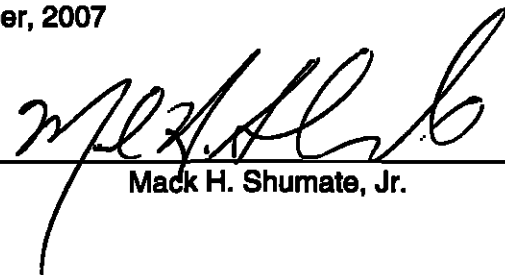
State Historic Preservation Office:

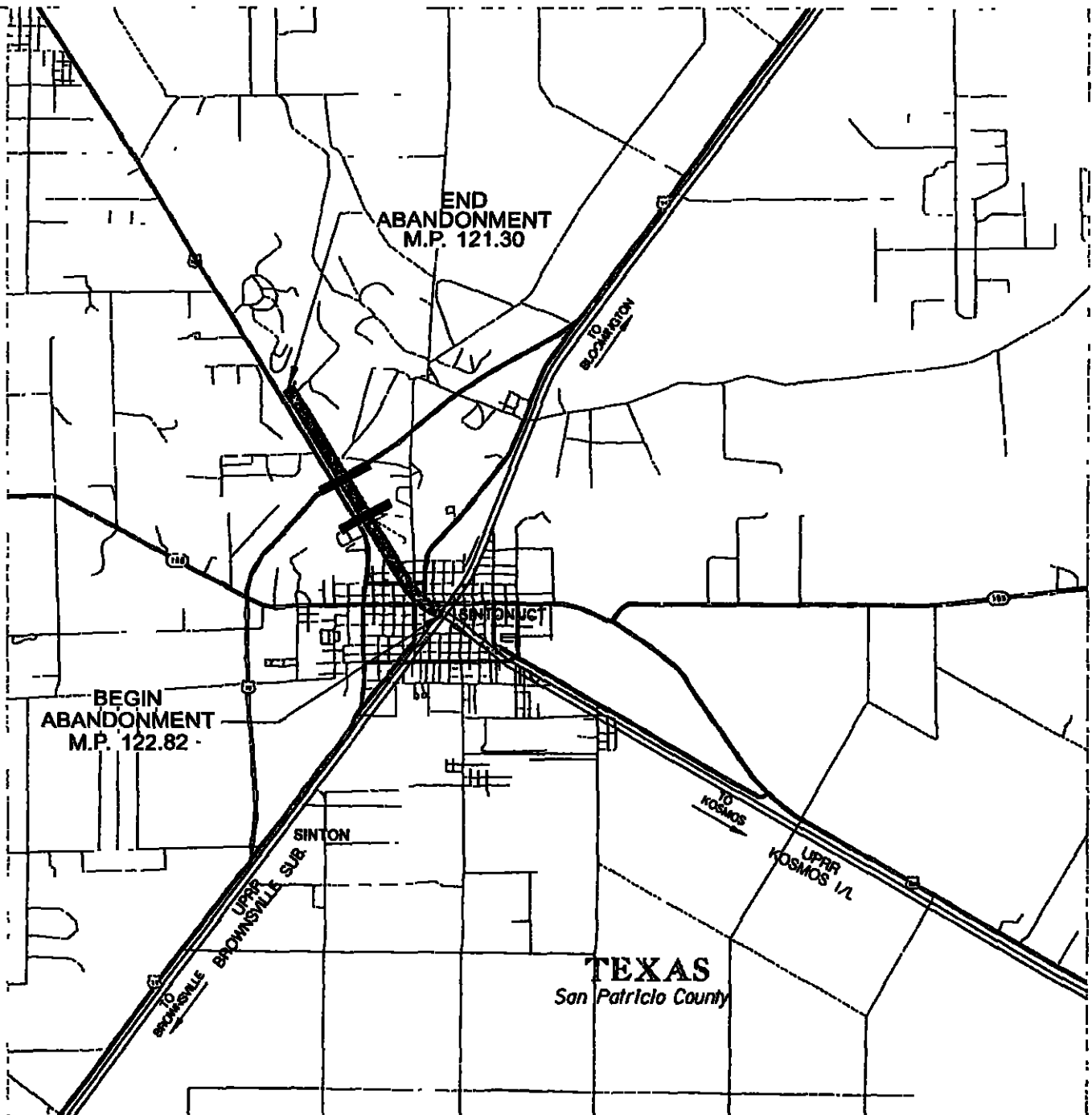
Texas Historical Commission
James W. Steely
History Program Division
P. O. Box 12276
Austin, TX 78711-2276

Other Agencies Consulted:

Texas Parks & Wildlife
Andrew Swanson
4200 Smith School Road
Austin, TX 78744-3291

Dated this 20th day of November, 2007


Mack H. Shumate, Jr.



BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
121.82	6 SPAN RAIL TRUSS PILE TRESTLE OPEN DECK (TPOD)	75	1938
121.84	3 SPAN RAIL TRUSS PILE TRESTLE OPEN DECK (TPOD)	50	1938

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

SINTON INDUSTRIAL LEAD

MP 121.30 TO MP 122.82
TOTAL OF 1.52 MILES
IN SAN PATRICIO COUNTY

UNION PACIFIC RAILROAD CO.
SINTON INDUSTRIAL LEAD
TEXAS

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: O:\abandonments\ab0244_sintonw8.dgn

DATE: 29-Aug-06 10:28



(402) 501-0127 (FAX)

August 30, 2006

State Clearinghouse (or alternate):

Tom Adams
Governor's Office of Budget and Planning
P O Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Texas Natural Resource Conservation
Commission
Ken Patterson, Deputy Director
P.O Box 13087, m145
Austin, TX 78711-3087

State Coastal Zone Management Agency**(if applicable):**

Not applicable

Head of County (Planning):

San Patricio County Commissioners
P O Box 548
County Courthouse
Sinton, TX 78387-0578

Environmental Protection Agency**(regional office):**

U S Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U S Fish & Wildlife Service
Southwest Region 2
U.S. Fish & Wildlife Service
500 Gold Avenue SW - Room 4000
Albuquerque, NM 87102

U.S. Army Corps of Engineers:

U S. Army Engineer District Galveston
P O Box 1229
Galveston, TX 77553-1229

National Park Service:

National Park Service
William D Shaddox
Chief, Land Resources Division
800 North Capitol Street, NE , Room 540
Washington, D C. 20002

U.S. Natural Resources Conservation Service:

USDA, Natural Resources Conservation Service
Soil Survey Section
W R Poage Federal Bldg
101 South Main Street
Temple, TX 76501-7682

National Geodetic Survey:

National Geodetic Survey
Edward J McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Texas Historical Commission
James W Steely
History Program Division
P. O Box 12276
Austin, TX 78711-2276

Other Agencies Consulted:

Texas Parks & Wildlife
Andrew Swanson
4200 Smith School Road
Austin, TX 78744-3291

Re: Proposed Abandonment of the Sinton Industrial Lead from M. P. 122.82 in Sinton to
M. P. 121.30 in San Patricio County, Texas; STB Docket No. AB-33 (Sub-No. 244X)

Law Department

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
fr (402) 501-0127

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Sinton Industrial Lead from M. P. 122.82 in Sinton to M. P. 121.30, a distance of 1.52 miles in San Patricio County, Texas. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed) State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

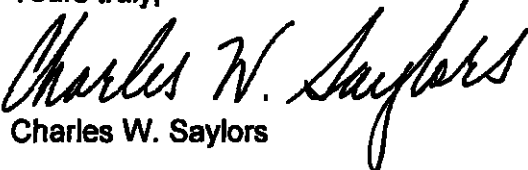
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

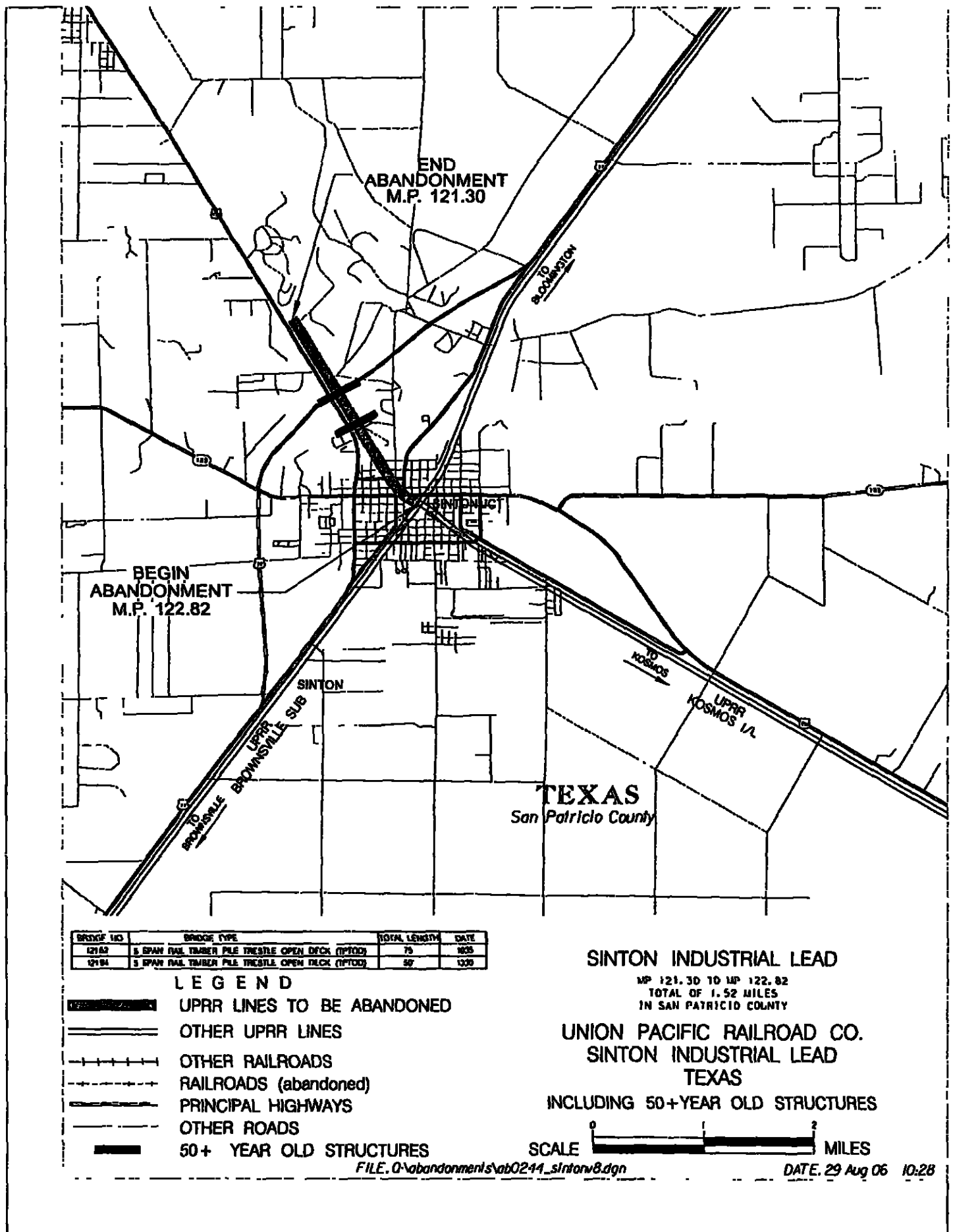
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,


Charles W. Saylor

Attachment



United States Department of Agriculture



Natural Resources Conservation Service
101 South Main Street
Temple, TX 76701-7602

September 21, 2006

Union Pacific Railroad
Mr. Charles W. Saylor
1400 Douglas Street, Mail Stop 1580
Omaha, NE, 68179

Attention: Mr. Charles W. Saylor, Project Manager

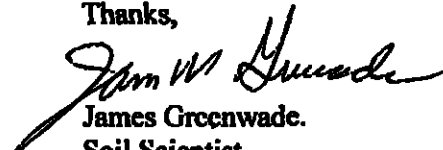
Subject: LNU-Farmland Protection-
UP Railroad -Sinton Industrial Lead
M.P. 122.82in Sinton to M.P. 121.30
Proposed Abandonment
San Patricio County, Texas

We have reviewed the information provided concerning the proposed abandonment of the Sinton Industrial Lead (M. P. 122.82 to M.P. 121.30 in Sinton) in San Patricio County, Texas. This will be a part of an Environmental Assessment for the Surface Transportation Board. We have reviewed this Draft EIS as required by the Farmland Protection Policy Act (FPPA).

Since this property was previously converted to urban uses this project will be exempt from the FPPA law. We have completed an AD-1006 (Farmland Conversion Impact Rating) form indicating the exemption.

We have attached the completed AD-1006 form for this project. Thanks for the resource materials you submitted to evaluate this project. We also thank you for recognizing the importance of soils in the planning process. If you have any questions please call James Greenwade in the Soils Section at (254)-742-9960, Fax (254)-742-9859.

Thanks,


James Greenwade.
Soil Scientist
USDA-NRCS, Temple, Texas

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 8-30-2006			
Name of Project Sinton Industrial Lead UP RR		Federal Agency Involved Surface Transportation Board			
Proposed Land Use RR abandonment		County and State San Patricio County, Texas			
PART II (To be completed by NRCS)		Date Request Received By NRCS 9-1-2006		Person Completing Form: James Greenwade	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt Jurisdiction Acres %	Amount of Farmland As Defined in FPPA Acres %			
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A Total Acres To Be Converted Directly					
B Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV (To be completed by NRCS) Land Evaluation Information					
A Total Acres Prime And Unique Farmland					
B Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted					
D Percentage Of Farmland In Govt Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C
1 Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3 Percent Of Site Being Farmed		(20)			
4 Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6 Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Reason For Selection.					
Name of Federal agency representative completing this form:					
Date:					



October 30, 2006

Charles Saylor
Union Pacific Railroad
1400 Douglas St , Mail Stop 1580
Omaha, NE 68179

COMMISSIONERS

JOSEPH D C FITZSIMONS
CHAIRMAN
SAN ANTONIO

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LEE M BASSI
CHAIRMAN EMERITUS
FORT WORTH

ROBERT L COOK
EXECUTIVE DIRECTOR

RE: Proposed abandonment of section of Union Pacific Railroad Company
Sinton, San Patricio County, Texas

Dear Mr. Saylor:

This letter is in response to your request for information regarding potential impacts to wildlife resources associated with the abandonment of a section of railroad in San Patricio County, Texas. The proposed project entails the abandonment of 1.52 miles of railway from milepost (MP) 122.82 in Sinton to milepost 121.30 northwest of Sinton. The majority of the length of the existing rail right-of-way (ROW) is in close proximity to and parallels U.S. Highway 181. Texas Parks and Wildlife Department (TPWD) staff reviewed the proposed abandonment project and has comments regarding the following issues:

- Potential occurrence of a species of concern
- Proposed deconstruction techniques

Potential occurrence of species of concern

Review of the TPWD Natural Diversity Database (NDD) indicates that a population of Welder Machaeranthera (*Psilactis heterocarpa*) has been observed near the intersection of US Highways 77 and 181. Although this information is based on the best data available to TPWD regarding rare resources, the data from the NDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities or other significant features within your project area. These data cannot substitute for an onsite evaluation by a qualified biologist. The NDD information is intended to assist you in avoiding harm to species that may occur on your site. A printout for this occurrence record is included for your planning reference. Please do not include species occurrence printouts in your draft or final documents. Because some species are especially sensitive to collection or harassment, these records are for your reference only.

Proposed deconstruction techniques



Take a kid
hunting or fishing

• • •

Visit a state park
or historic site

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3201
512 389-4800

www.tpwd.state.tx.us

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

Mr Saylor
Page2
October 30, 2006

Vegetation assemblages occurring within railroad rights-of-way can often provide higher quality wildlife habitat than surrounding areas due to the exclusion of livestock grazing or other development. Methods used to remove structures associated with the railroad track should avoid or minimize negatively impacting available wildlife habitat in or near the ROW. A mixture of woody vegetation occurs adjacent and/or within the railroad ROW throughout approximately two-thirds of the proposed project length. The first third of the abandonment beginning at MP 122.82 occurs within a developed urban area and the ROW consists of maintained grasses (primarily Bermuda grass, *Cynodon dactylon*), and forbs.

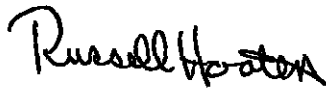
From the Archer/Welder Street intersection to U.S. Highway 77, the ROW immediately adjacent to the rail ballast has been invaded by common brush species (e.g., retama, *Parkinsonia aculeata*; and mesquite, *Prosopis glandulosa*) among mature hackberry trees (*Celtis laevigata*). Chiltipin Creek is also crossed by the rail in this area. The quality of the creek and the habitat the riparian vegetation provides has been degraded by past surrounding land use; however, within the existing rail ROW, dense vegetation that provides wildlife habitat occurs. From U.S. Highway 77 to the end of the abandonment at MP 121.30, the ROW between the rail and U.S. Highway 181 consists primarily of maintained introduced grasses. Adjacent areas immediately to north of the rail ROW consists of mixed brush and hackberry. At the termination point of the abandonment, the former rail has already been removed and the former ROW is proposed to be used to construct additional lanes for U.S. Highway 181.

When removing the existing rail structures or creating temporary access routes to the rail, TPWD recommend using de-construction techniques that avoid or minimize the clearing of vegetation. If clearing vegetation is necessary to remove any of the rails, the clearing activities should be scheduled to occur outside of the migratory bird nesting season which is April 1 through July 15. Scheduling activities outside of the nesting period will ensure compliance with the Migratory Bird Treaty Act.

Your interest in Texas' fish and wildlife resources and this agency's efforts to protect them is appreciated. If you need additional information please contact me at (361) 825-3240.

Mr. Saylor
Page3
October 30, 2006

Sincerely,

A handwritten signature in black ink that reads "Russell Hooten". The signature is written in a cursive style with a large initial "R" and a stylized "H".

Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh

Attachment

Element Occurrence Record

<u>Scientific Name:</u>	<i>Psilactus heterocarpa</i>	<u>Occurrence #:</u>	3	<u>Eo Id:</u>	7767
<u>Common Name:</u>	Welder Machacranthera	<u>TX Protection Status:</u>			
<u>Global Rank:</u>	G2	<u>State Rank:</u>	S2		

Location Information:

Latitude:

Longitude:

Watershed Code:

Watershed Description:

12100407

Aransas

County Code:

County Name:

Mapsheet Code:

Mapsheet Name:

State:

TXSANP

San Patricio

28097-A5

Sinton West

TX

Directions:

0.2 MILE SOUTHWEST OF THE INTERSECTION OF HIGHWAYS 77 AND 181 (NORTHWEST EDGE OF SINTON), WEST SIDE OF HIGHWAY 77

Survey Information:

First Observation: 1940-11-30

Survey Date:

Last Observation: 1994-FALL

Eo Type:

EO Rank:

EO Rank Date:

Observed Area (acres):

Comments:

General

Description:

Comments:

Protection

Comments:

Management

Comments:

Data:

EO Data:

Site:

SOUTHERN COASTAL PRAIRIE MEGASITE

Managed Area:

Managed Area Name:

Managed Area Type:

Element Occurrence Record

Reference:

Full Citation:

GRASSMAN, M. 1995. REPORT ON PROPOSED CORPUS CHRISTI WATER PIPELINE PROJECT. UNPUBLISHED LETTER AND MAPS IN TXNHP FILES.

HARTMAN, R. L. AND M. A. LANE. 1987. A NEW SPECIES OF MACHAERANTHERA SECTION PSILACTIS (ASTERACEAE: ASTEREAE) FROM COASTAL TEXAS. BRITTONIA 39(2):253-257.

Specimen (temporary placeholder citation)

Specimen:

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
Corpus Christi Regulatory Field Office
3151 Flynn Parkway, Suite 308
Corpus Christi, Texas 78411-4318

September 25, 2006

Regulatory Branch

SUBJECT: Determination D-18984

Union Pacific Railroad
Attn: Chuck Saylor
1400 Douglas Street, Mail Stop 1580
Omaha, NE 68179-1001

Gentlemen:

This concerns your August 30, 2006, letter, requesting a jurisdiction determination for the proposed removal of 1.52 miles of the Sinton Industrial Lead railroad track. The project area is located from Mile Post 122.82 to Mile Post 121.30 on the east side of U.S. Highway 181 in Sinton, San Patricio County, Texas, as shown in the attached plan on one sheet.

Based on our review of topographic maps, and information you submitted, we have determined that the proposed project is not subject to Corps of Engineers' jurisdiction. Only activities that impact navigable waters or involve fill in waters of the United States, including wetlands, require a Department of the Army permit. Therefore, no permit is required for the proposed project, as shown on the enclosed plans. However, best management practices, such as maintaining silt fences around the work area, should be utilized when working in or near any jurisdictional waters of the U.S., such as Chiltipin Creek and its tributaries, to prevent erosion and protect water quality. Under Section 404, activities that involve or result in the discharge of dredged and/or fill material in waters of the U.S. may require a Department of the Army permit. If it is determined that this project will cause the discharge of fill material into these areas, project plans should be submitted for our review prior to the initiation of the project.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular sites identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If the property owner or his tenant are USDA program participants, or anticipate participation in USDA programs, a certified wetland determination should be requested from the local office of the Natural Resources Conservation Service prior to starting work.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Southwestern Division Office at the following address:

James E. Gilmore, Appeal Review Officer
Southwestern Division, CESWD-CMO-E
1100 Commerce Street, Room 8E9
Dallas, Texas 75242-0216

Telephone: 469-487-7061; FAX: 469-487-7190

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by November 23, 2006. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This approved determination is valid for 5 years from the date of this letter, unless new information warrants a revision of the determination prior to the expiration date. Please reference the determination number D-18984 in future correspondence pertaining to this project. If you have any questions concerning this matter, please contact Mark Pattillo at the letterhead address or by telephone at 361-814-5847.

Sincerely,



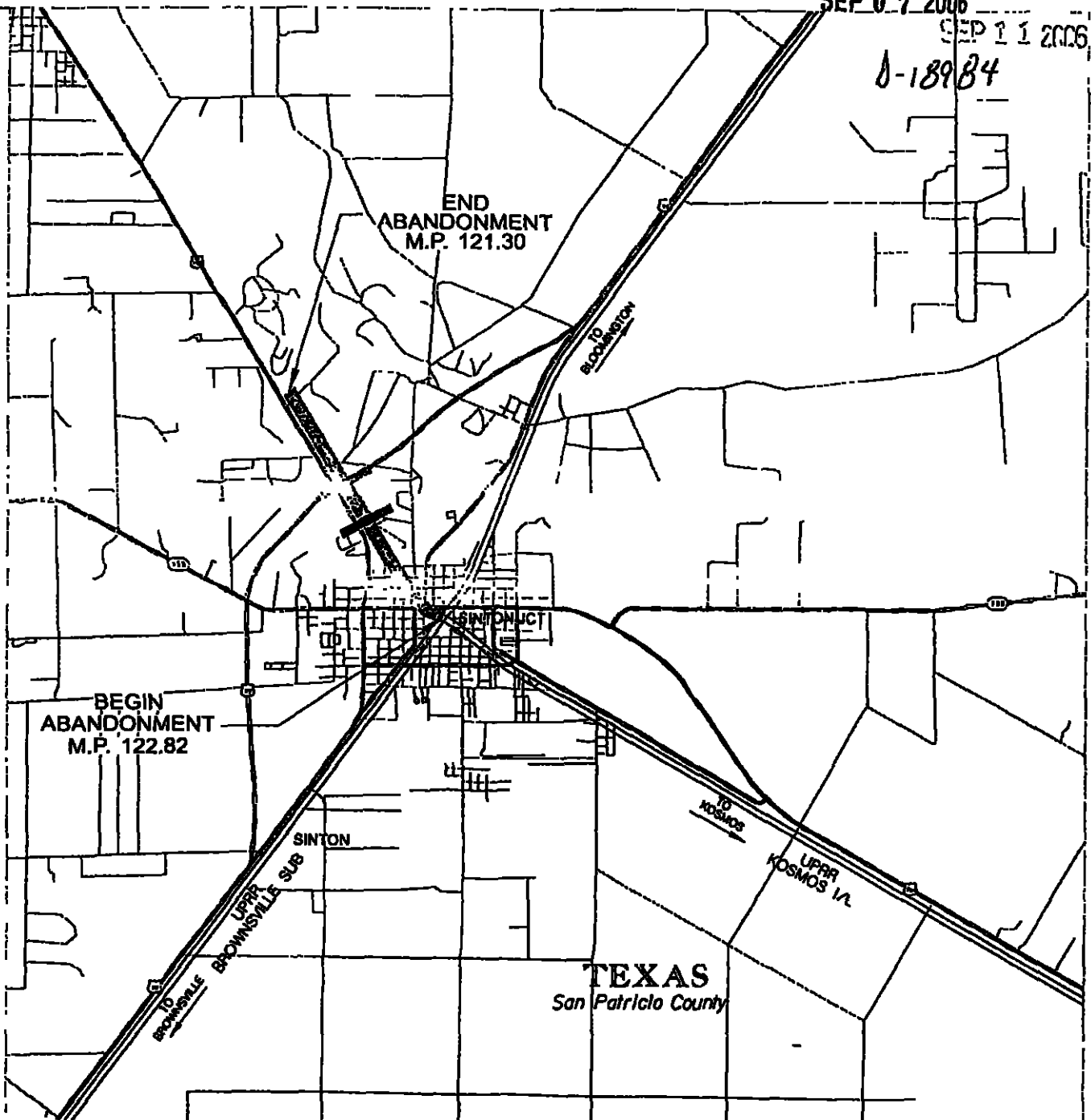
Lloyd Mullins, Leader
Corpus Christi Field Office

Enclosures

SEP 07 2006

SEP 11 2006

0-18984



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
121.82	5 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	76'	1925
121.84	5 SPAN RAIL TIMBER PILE TRESTLE OPEN DECK (TPTOD)	60'	1930

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

SINTON INDUSTRIAL LEAD

MP 121.30 TO MP 122.82
TOTAL OF 1.52 MILES
IN SAN PATRICIO COUNTY

UNION PACIFIC RAILROAD CO.
SINTON INDUSTRIAL LEAD
TEXAS

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: O:\abandonments\ab0244_sintonrv8.dgn

DATE: 29-Aug-06 10:28

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Union Pacific Railroad		Determination No.: D-18984	Date: 25 Sep 2006
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/rec/> for Corps regulations at 33 CFR Part 35.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved jurisdictional determination (JD) or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



November 27, 2006

Texas Historical Commission
James W. Steely
History Program Division
P. O. Box 12276
Austin, TX 78711-2276

Re: Proposed Abandonment of the Sinton Industrial Lead from M. P. 122.82 to M. P. 121.30 near Sinton Junction in San Patricio County, Texas; STB Docket No. AB-33 (Sub-No. 244X)

Dear Sir:

Enclosed for your review are four photographs of the bridges located on the Huntsville Industrial Lead which are over 50 years old, along with a map of the proposed abandonment. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Length</u>	<u>Year Constructed</u>
121.62	5 Span Rail Timber Pile Trestle Open Deck (TPTOD)	75'	1935
121.94	5 Span Rail Timber Pile Trestle Open Deck (TPTOD)	50'	1930

Please advise if you believe there is historical significance to either of the bridges.
Thank you for your assistance.

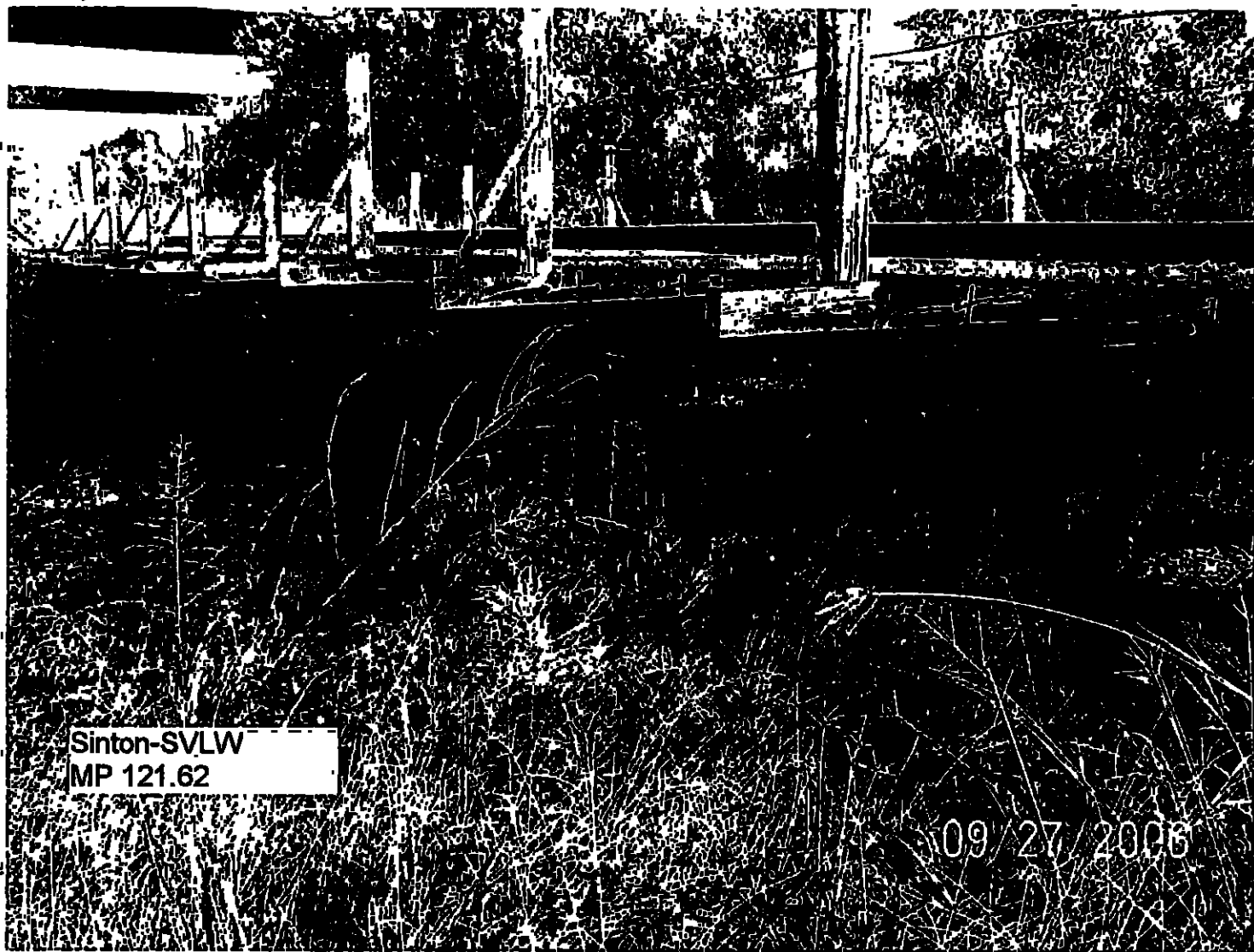
Sincerely,

Charles W. Saylor
Charles W. Saylor
(402) 544-4861

Attachments

Law Department

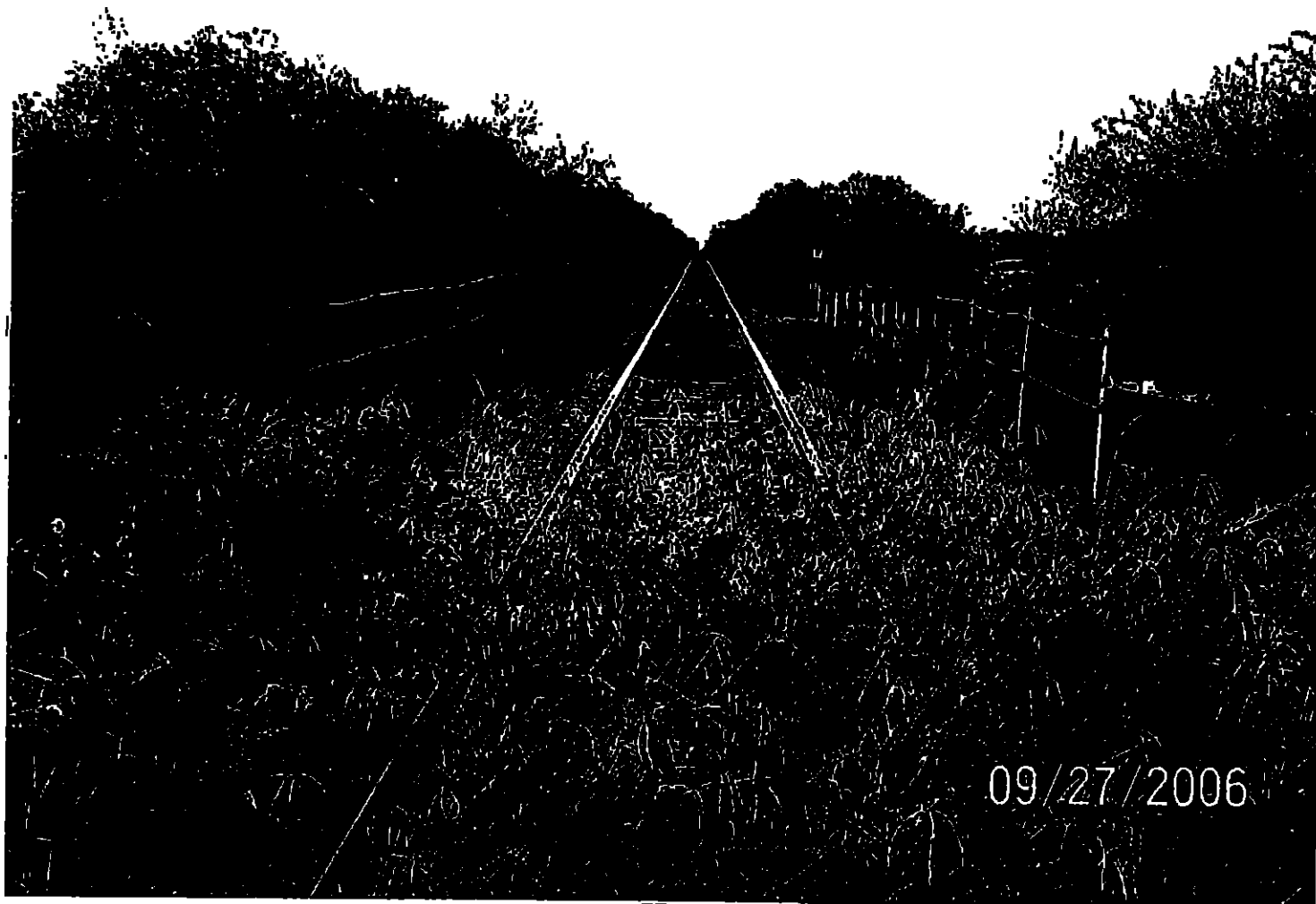
UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1588, Omaha, NE 68179-1588.
fx (402) 501 0127



Sinton-SVLW
MP 121.62

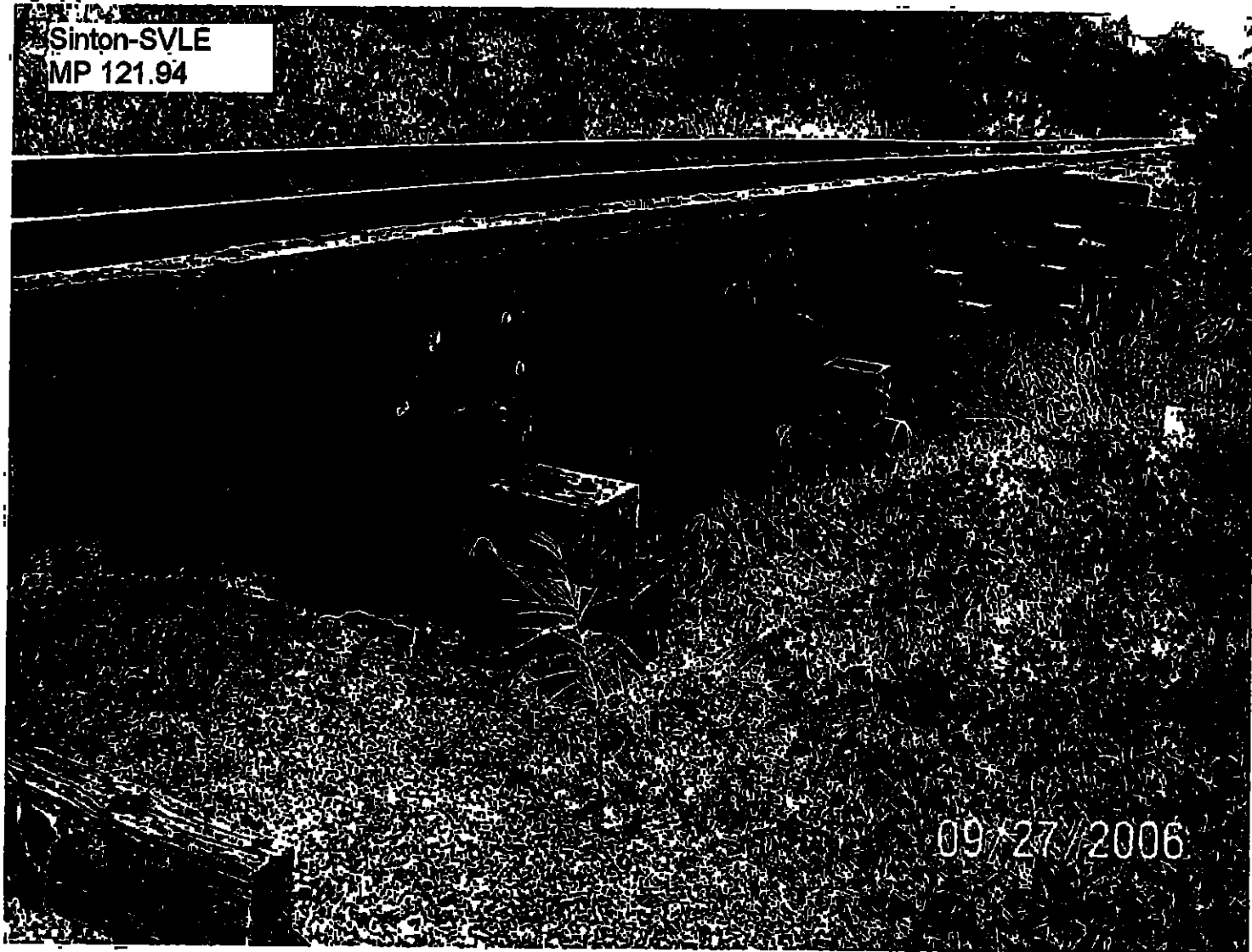
09/27/2006

Sinton-TVLS
MP 121.62



09/27/2006

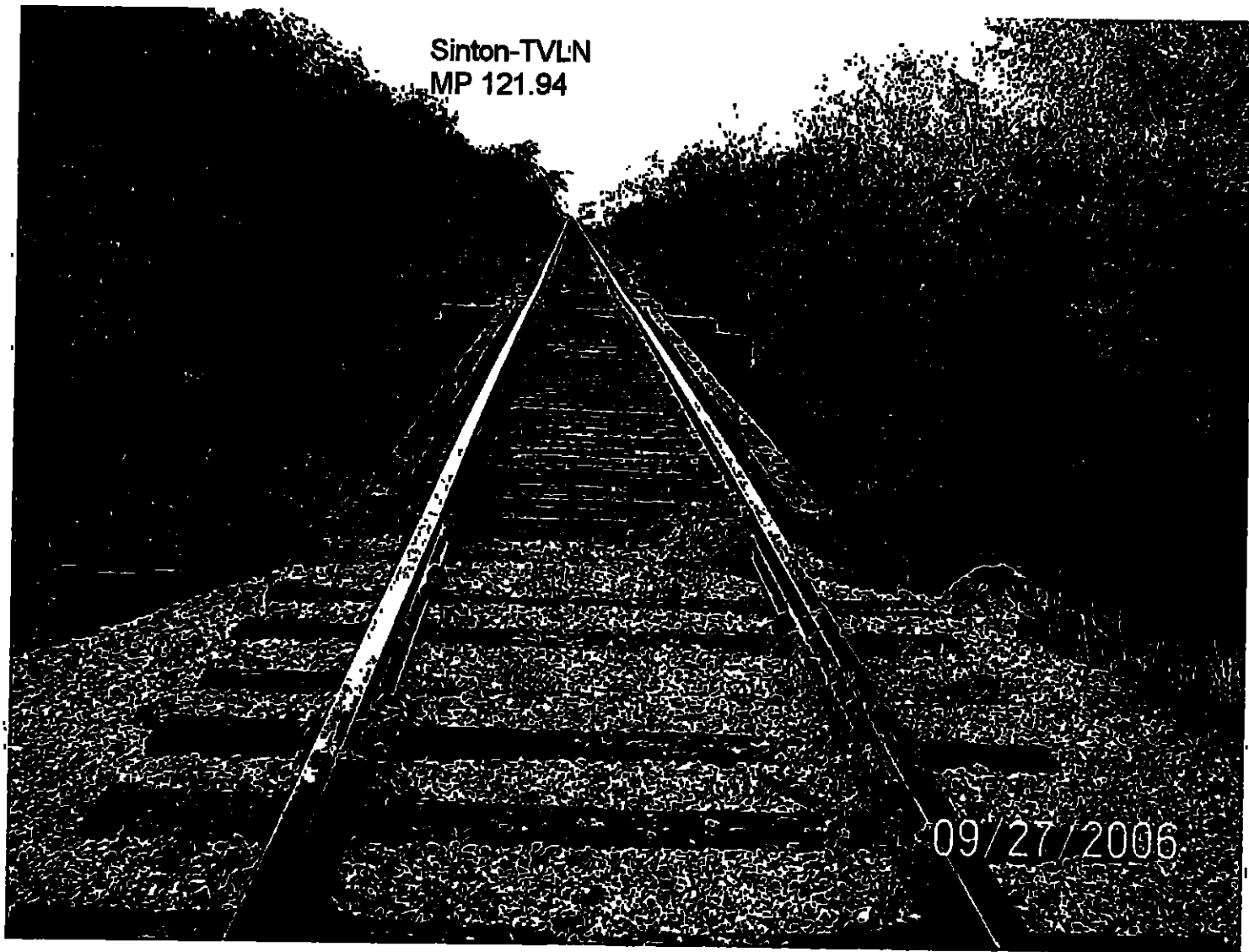
Sinton-SVLE
MP 121.94



09/27/2006

Sinton-TVLN
MP 121.94

09/27/2006



152



November 27, 2006

RECEIVED
 DEC 01 2006
 Division of Architecture

Texas Historical Commission
 James W. Steely
 History Program Division
 P. O. Box 12276
 Austin, TX 78711-2276

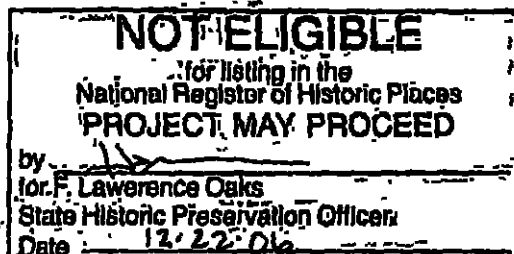
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Please advise if you believe there is historical significance to either of the bridges.
 Thank you for your assistance.



Attachments

Sincerely,

Charles W. Saylors
 Charles W. Saylors
 (402) 544-4861

Law Department

UNION PACIFIC RAILROAD
 1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
 fx (402) 501-0127